THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO.5034 of 2006

DATED: 16.03.2006

Between:

The Praga Tools Employees Co-operative

Housing Society Ltd., Regd.Tab-189,

Praga Tools Ltd., Kawadiguda Road, Secunderabad

Rep.by member Person-in-charge committee

Sri A. Srinivas …. Petitioner

AND

Mandal Revenue officer,

Bala Nagar Madal,

Ranga Reddy District

And four others ….Respondents

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ORDER:

Seeking to declare the inaction of the respondents 1 and 2 to survey, demarcate the boundaries of the land of the petitioner admeasuring 22 acres comprised in Survey No.1 situated at Hashmathpet village, Balanagar Mandal, Ranga Reddy District with reference to the documents of the petitioner pursuant to the representation of the petitioner, dated 23-02-2006 as unjust and illegal, petitioner filed this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for revenue and perused the record.

It is the case of the petitioner that several persons purchased the lands in Survey Nos. 1,14 and 15 and it is the subject matter of C.S.No.14/1958 on the file of this court which was decreed preliminarily on 28-06-1963 and the petitioner being one of the agreement holder in respect of Ac.22.00 cents of land in Survey No.1 and pursuant to the assignment of the land, the Regional Deputy Director, Survey and Land Records, Hyderabad by proceedings dated 07-07-2000 demarcated the said land physically to an extent of Ac.22.00 in Survey No.1 situated at Hashmathpet village, Balanagar Mandal and a sketch was also appended to the said proceedings. It is stated that respondents 3 to 5 are also the holders of certain extent of land in Survey Nos. 1, 14 and 15 and on the representation filed by the 3rd respondent in W.P.No.5111/2005, dated 14-03-2005, this Court directed the 1st respondent and the Revenue Divisional Officer to demarcate the boundaries of the lands in Survey Nos. 1, 14 and 15 of Hashmathpet village, Balanagar Mandal and after identification. It is stated that pursuant to the said direction, the 1st respondent surveying the land with the help of the 2nd respondent and in that connection, petitioner made a representation before the 1st respondent on 22-02-2006 to permit him to participate in the survey proceedings and also to survey the land in respect of Ac.22.00 cents in Survey No.1 claimed by him with the help of already passed orders, Village Map, Tippen, Revenue proceedings etc. and identify the extent of property grabbed by others and possession of the petitioner after following due procedure prescribed under law. But the said procedure has not been complied with, by the respondents. It is stated that the petitioner is not a party to W.P. No.5111/2005, dated 14-03-2005.

In that view of the matter, I am of the opinion that while surveying the lands of the respective claimants, it is just and proper for the authorities to consider the claims of neighbours, who are the owners of abutting lands. And to resolve the disputes, hear the petitioner and neighbours equally, who are claiming right and title in respect of Ac.22.00 cents of the land. Hence petitioner is entitled to participate in the survey proceedings. Accordingly, respondents 1 and 2 are directed to consider and dispose of the representation of the petitioner dated 22-02-2006 in accordance with law while surveying the land of the petitioner and the lands of the other unofficial respondents.

Writ petition is accordingly disposed of. No costs.

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V. ESWARAIAH, J.

Dated: 16-03-2006

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